

## 37 Am. Jur. 2d Fraud and Deceit § 110

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### Fraud and Deceit

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#### IV. False Representations

##### F. Intent to Deceive, or to Induce Reliance; Knowledge of Falsity

###### 1. Necessity of Intent

## § 110. Intent to induce reliance, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Fraud](#) 4

In some jurisdictions, common law fraud requires an intent to induce a plaintiff to act in reliance on the defendant's misrepresentation,<sup>1</sup> or the plaintiff must prove that the defendant sought to obtain an undue advantage from the misrepresentation.<sup>2</sup>

An "intent to induce," for purposes of a fraud claim, requires more than mere foreseeability; rather, the maker must have at least reason to expect that the recipient will rely.<sup>3</sup>

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#### Footnotes

1 [NACCO Industries, Inc. v. Applica Inc.](#), 997 A.2d 1 (Del. Ch. 2009); [Country Cove Development, Inc. v. May](#), 143 Idaho 595, 150 P.3d 288 (2006); [Ferdico v. Zweig](#), 82 A.D.3d 1151, 919 N.Y.S.2d 521 (2d Dep't 2011); [Johnson v. Miller](#), 2012 SD 61, 818 N.W.2d 804 (S.D. 2012); [Matis v. Golden](#), 228 S.W.3d 301 (Tex. App. Waco 2007); [Van Lare v. Vogt, Inc.](#), 2004 WI 110, 274 Wis. 2d 631, 683 N.W.2d 46 (2004) (intent to deceive and induce the plaintiff to act upon the misrepresentation to the plaintiff's pecuniary damage).

2 [Automated Salvage Transport, Inc. v. NV Koninklijke KNP BT](#), 106 F. Supp. 2d 606 (D.N.J. 1999).

3 [Prospect High Income Fund v. Grant Thornton, LLP](#), 203 S.W.3d 602 (Tex. App. Dallas 2006), order withdrawn, (Aug. 29, 2008) and judgment rev'd in part on other grounds, [314 S.W.3d 913](#) (Tex. 2010).